

REMARKS

The present amendment is in response to the Office Action mailed February 14, 2005, in which Claims 1-7 were rejected. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the reference cited therein. The following remarks are believed to be fully responsive to the Office Action and render all claims at issue patentably distinguishable over the cited references.

Reconsideration and withdrawal of the rejections set forth in the Office Action dated February 14, 2005 are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 112

Claim 1 is appropriately amended, and the indefinite claim language "headphone-like or earphone-like" no longer exists. Therefore, the rejections of Claims 1-2 under 35 U.S.C. § 112 is overcome.

Claims 3-7 are canceled, so the rejections of these Claims are overcome.

II. Claim Rejections - 35 U.S.C. § 103(a)

The rejections of Claims 3-7 under 35 U.S.C. § 103(a) are overcome by canceling the Claims 3-7.

III. Claim Rejections – Double Patenting

Based on the cancellation of Claim 3, the rejection under Double Patenting is overcome, also.

IV. Conclusion

In view of the foregoing, Claims 1-2 pending in the application comply with the requirements of patentability define over the applied art. A Notice of Allowance is, therefore, respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 386998014US from which the undersigned is authorized to draw.

Dated:

5/6/05

Respectfully submitted,

By 

Chun M. Ng

Registration No.: 36,878

PERKINS COIE LLP

P.O. Box 1247

Seattle, Washington 98111-1247

(206) 359-8000

(206) 359-7198 (Fax)

Attorney for Applicant